

REMARKS

Claims 1, 3 – 15, 17 – 25, and 27 – 44 are presently pending. In the above-identified Office Action, the Examiner finally rejected the Claims under 35 U.S.C. § 103(a) as being unpatentable over Tomimori (U.S. Patent 6,456,841) in view of Tuoriniemi *et al.* (U.S. Patent No. 5,978,689).

Applicants object to the finality of the rejection. In the previous Amendment, the limitations of Claim 2 were added to Claim 1. Claim 2 was not rejected over Tomimori or Tuoriniemi *et al.* Hence, Claim 1 should have been allowable. In any case, the rejection of Claim 1 as amended was a new ground of rejection and was not necessitated by Applicants' amendment alone as the Examiner's first opportunity to reject a Claim with the limitations of Claim 1 as amended was presented via Claim 2. The same arguments apply with respect to Claims 15, 25, 33, 34 and 44. Accordingly, reconsideration of the finality of the rejection is respectfully requested.

For the reasons set forth more fully below, Applicants respectfully submit that the Application properly defines an invention patentable over the prior art. Reconsideration, allowance and passage to issue are therefore respectfully requested.

As mentioned previously, the present invention addresses the need in the art for a system or method for providing an instant replay capability for mobile receivers. In a most general implementation, the inventive system is a receiver adapted to receive a transmitted signal and provide an instantaneous output signal in response thereto. **The Claims are currently limited to the reception of a satellite digital audio radio service (SDARS) signal.** The inventive receiver includes a medium (electronic or physical) for storing at least a portion of the received signal. In accordance with present teachings, the inventive receiver selectively outputs either a stored selection or the receive signal in response to user input (i.e. a replay signal).

In the illustrative embodiment, the receiver is a satellite digital audio radio service receiver having a radio frequency tuner and audio decoder. The system controller is a microprocessor that causes the system to store each selection as it is received. In the best mode, this is facilitated by the transmission and reception of a start of selection signal and an end of selection signal. The replay signal is provided via a user interface. Software running on a microprocessor includes code for detecting the presence of the instant replay signal. On detection of the replay signal, the software causes the system to output the stored selection.

The invention is set forth in Claims of varying scope, of which Claim 1 is illustrative. Claim 1, as amended, reads as follows:

1. A mobile receiver comprising:
first means for receiving a satellite digital audio radio service signal and providing an instantaneous output signal in response thereto;
second means for storing at least a portion of said received signal;
third means for providing a replay signal; and
fourth means for selectively outputting said stored portion of said received signal or said instantaneous output signal in response to said replay signal,
said first, second, third and fourth means being disposed on a common mobile platform. (Emphasis added.)

None of the references, including those cited but not applied, taken alone or in combination, teach the invention as presently claimed. That is, none of the references teach, disclose or suggest a mobile receiver having means for receiving a **satellite digital audio radio service signal**, means for storing a portion of the received signal and means for selectively outputting the stored signal on command all mounted on a common mobile platform.

As mentioned above, in the above-identified Office Action, the Examiner relied on Tomimori and Tuoriniemi *et al.* Tomimori is apparently essentially a cell phone with an answering machine function. The Examiner suggests that the cell phone of Tomimori teaches the invention as claimed with the exception of a satellite signal reception capability. The Examiner suggests that this shortcoming is addressed by the teaching of Tuoriniemi.

Tuoriniemi *et al.* appear to teach a radio telephone. The Examiner suggests that Tuoriniemi is adapted to receive satellite digital audio broadcasting (DAB) signals. However, the present Claims are limited to reception of SDARS (satellite digital audio radio service) signals. Those of ordinary skill in the art appreciate that reception of direct audio broadcast (DAB) signals require a substantially different receiver design than that required to receive SDARS signals. Hence, the combination falls short of teaching the invention as presently claimed.

Moreover, the combined teachings of the references also fail to teach the provision of an instant replay capability in an audio receiver. See for example Claims 8 and 9.

Accordingly, reconsideration, allowance and passage to issue are respectfully requested.

Respectfully submitted,
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